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eight thousand miles away and be found wholly unprepared to meet the onslaught. But these "patriotic" declaimers, whose assumed facts in regard to Japan and other nations are pure creations of their fevered fancy, have almost entirely lost their influence with Congress, and, we think, also with the thoughtful men and women of the country. The remonstrances from the clergy and others, which have been going to Washington against the addition of further huge monsters to the navy, indicate that the intelligent classes of the people are rapidly reaching the conclusion that the course which the government has been pursuing in vying with other nations in the extension of its naval and military establishments has no rational justification and ought to cease. The remonstrance sent last year by the clergy of Boston and vicinity was signed by one hundred and forty-one ministers. That sent early in January this year carried the names of two hundred and twenty-four clergymen, and the number of signatures has since grown to two hundred and thirty-five. In other cities word has come to us that every clergyman asked to sign the remonstrance readily did so. There is good ground for believing that within two or three years at the farthest the contest against the increase of the navy may be won, if those who disapprove of the course which the government is taking in adding year after year gigantic ships to the navy, at greater and greater cost, will only be loyal to their convictions and active and united in bringing their influence to bear at Washington.

### Secretary Root's Services to the Cause of World Peace.

Secretary Root, on retiring from the State Department, carries with him the universal respect of the friends of peace, and their very high appreciation of the services which he has rendered to the cause of international friendship and harmony. He has almost transformed the Department of State into a Department of Peace, to such an extent have the great objects to which he has given his attention borne directly upon the cause of international concord. He has worthily worn the mantle of his distinguished predecessor, John Hay, who, in a moment of high inspiration, declared as no prominent statesman, we believe, had before declared, that the Golden Rule ought to be practiced among nations, as among individuals.

Mr. Root's instructions to the United States delegates to the second Hague Conference — for they were really his, though issued in the name of the President — were conceived and formulated in this lofty spirit. It was because of his wisdom and exceptional grasp of the demands of the situation that our delegates went to The Hague empowered to stand for the most advanced meas-

ures possible. The leading place which the subject of an international high court of justice took in the deliberations and decisions was due entirely to his initiative. The United States delegation, led by Ambassador Choate, was, under his instructions, ready to go much further in practical action on immunity of private property at sea in time of war, a general treaty of obligatory arbitration and limitation of armaments, than the Congress, as a whole, could be induced to go.

Since the close of the Conference our government, under Mr. Root's lead, has gone much further in following out its advice in regard to the conclusion of special treaties of obligatory arbitration than any other government has gone. He leaves the Secretaryship of State with a majority of all the governments of the world bound to us by arbitration conventions, and with the bonds of friendship and mutual confidence between us and other peoples and races strengthened on all sides.

Secretary Root's tour of the South American capitals, carried out with marked wisdom and tactfulness, was a proceeding of unique character in the field of practical statesmanship. It allayed suspicion and fear, it awakened or deepened confidence among the Latin American peoples toward our country. It left all the republics south of us dispossessed in large measure of the vague and undefined dread which had been growing among them of possible evil designs of our government toward them. Such a service as this will remain always hereafter one of the great traditions of American pacific statesmanship.

The retiring Secretary's recent action in regard to China and Japan has been no less marked by a high sense of justice and a right conception of the power of fairness, generosity and kindness. The remission to China of the eleven millions of the Boxer indemnity, to which our government found that there was no just claim, was due, if we remember rightly, to the suggestion of Mr. Hay, before whose death the government had become aware that a part of the indemnity could not be collected without injustice to China and dishonor to our country. Mr. Root took the suggestion up and carried it out loyally in a way that has done great credit to himself and brought unusual honor and distinction to the nation, not only from China, but also from other lands.

His work in promoting the holding of the Central American Conference and the setting up last year of the Central American International Court of Justice, the first of its kind, deserves to be recorded among his exceptional accomplishments in the way of peace making.

But the crowning feature of Mr. Root's remarkable services to the cause of world peace is the recent agreement with the Japanese Foreign Office, setting forth the pacific intentions and policies of both governments in regard to the Pacific Ocean and the Far East. This

agreement, which has been hailed with satisfaction by all the other governments, is destined, we are sure, to remain the guiding star of the Pacific policies of the future for all the powers which use the waters of that great ocean; and permanent peace on the Pacific means little short of the final peace of the world.

Mr. Root's contributions to the development and interpretation of international law have not been unimportant. His addresses and speeches as president of the newly organized American Society of International Law have been unusually strong and lucid statements, up to the best thought of the time as to what international law ethically should be. The same is true of his fine address before the New York Peace Congress in April, 1907, and of his papers contributed to the magazines.

Few statesmen, who have been in responsible public positions, have in so short a time, as the above cited facts show, left accomplished so much to their credit and to the honor and advancement of their country. It seems unfortunate that a man of Mr. Root's proved capacity and wisdom cannot remain for years to come at the head of the State Department, where he might continue to devote his unusual gifts and his high ethical purposes to the further promotion of the welfare of his country and the peace and prosperity of the world.

### The Maritime Conference.

The Maritime Conference opened at the foreign office in London on December 5 with delegates from England, France, Germany, Russia, Italy, Austria, Spain, Holland, America and Japan, ten powers in all, and will continue in session till some time in February. The American delegates are Rear Admiral Stockton, Commander John H. Gibbons, naval attaché of the American Embassy at London, and Prof. George G. Wilson of Brown University. The Secretary of the delegation is Mr. Ellery C. Stowell, lately an instructor at George Washington University. The delegates are all authorized to "execute and fulfill all the duties pertaining to their commission, with full powers to negotiate, conclude and sign *ad referendum* an agreement." The program of the Conference was arranged by Great Britain, who called it into session and asked the different powers to propose subjects about which they were desirous to have an understanding.

The immediate occasion for calling this Conference was the convention agreed upon at the second Hague Conference for the establishment of an International Prize Court. Although President Nelidoff declared that court to be the best monument to the work of the Conference, and Sir Edward Fry, head of the British delegation, expressed himself as being deeply impressed with

its importance, and although it had the sponsorship of Great Britain, France, Germany and America, there were certain provisions in regard to its rules which prevented Great Britain and some other nations from ratifying it without further consultation.

The difficulty with the Convention is chiefly in Article 7. This article provides that "if a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty"; "but in the absence of such provisions the court shall apply the rules of international law." There is some disagreement as to what really are the rules of international law, as there are two recognized systems, the Continental and the Anglo-American, which often come into conflict in the decision of prize cases. The greatest difficulty, however, is in a part of the article which further on says that "if no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity." What these general principles of justice and equity are, nobody knows, and England wanted to have definite information about them before acceding to the Convention. The agreement for the International Prize Court practically gave to the body of international judges the power to codify international law as well as to interpret its meaning. But England and the other maritime powers were not quite satisfied to have the court do this until certain fundamental principles had been previously settled upon by a Maritime Conference.

If this Conference had not been called, however, the questions in dispute would have come up in due course at the third Hague Conference, as the nations in 1907, feeling the need of a code of naval war, had passed a resolution that the elaboration of regulations relative to the laws and customs of naval war should figure in the program of the next Hague Conference. A Maritime Conference, therefore, was an international necessity. Even if it should fail — though failure is not expected — its work may be taken up and completed by the third Hague Conference. In any event, as the *American Journal of International Law* says, "the work of the London Conference must be considered as a preliminary step, and as such of the greatest importance."

What now are some of the debatable questions in regard to prize law or other naval war rules between the nations? One of these is the definition of contraband of war. Shall it consist of munitions of war only, or shall it include, under certain circumstances, other articles which may be used to equip or support armies and navies in time of war? For example, in recent wars food has been classed as contraband. The inclu-